



27 July 2022

Ms Sarah Proudfoot
Executive General Manager, Infrastructure Division
Australian Competition and Consumer Commission
By email: sarah.proudfoot@acc.gov.au
CC: anna.brakey@acc.gov.au; peter.crone@acc.gov.au

Dear Ms Proudfoot,

Withdrawal of nbn's Special Access Undertaking Variation

We refer to the Special Access Undertaking Variation lodged by **nbn** with the Australian Competition and Consumer Commission (**ACCC**) on 29 March 2022 (**SAU Variation**).

nbn wishes to inform the ACCC that it withdraws the SAU Variation with immediate effect.

Since lodging its original proposal in March, **nbn** has engaged in detailed consultation with the new government and the ACCC and has sought further feedback from Retail Service Providers (**RSPs**) and consumer advocacy groups involved in the process.

nbn recognises the need for an SAU that reflects the changes in the policy landscape and operating environment since the variation was lodged. In particular, we note the recent confirmation from **nbn**'s shareholder ministers that the government "will retain NBN Co in public ownership for the foreseeable future, expand full-fibre access to more homes and businesses, and ensure the NBN delivers for consumers and facilitates productivity."

To that end, **nbn** is developing new SAU proposals, which we will consult on publicly before re-lodging an updated variation later this year. We anticipate providing our initial consultation documents in early-to-mid August, which will outline the key features of our updated SAU variation proposal.

nbn looks forward to continuing our active consultation government, the ACCC and the industry, which we believe can achieve a successful resolution and acceptance of a revised SAU variation that is fit for purpose today, and into the future.

We would be happy to discuss any of the above with you.

A handwritten signature in black ink, appearing to read 'Jane van Beelen', is positioned above the typed name.

Yours sincerely,

Jane van Beelen
Chief Legal & Regulatory Officer, **nbn**